

BOARD OF PHARMACY
STATE OF MISSOURI

MISSOURI BOARD OF PHARMACY,)	
)	
Petitioner,)	
)	
v.)	
)	Case No. 08-1880 PH
James Cave,)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DISCIPLINARY ORDER**

This matter appears before the Missouri Board of Pharmacy ("Board") pursuant to a Decision issued by the Administrative Hearing Commission as a result of a hearing between Missouri Board of Pharmacy and James Cave in which the Administrative Hearing Commission decided that cause exists to discipline Mr. Cave's license as a pharmacist. Each Board member participating in this decision read the Decision of the Administrative Hearing Commission and each exhibit, and considered the Decision and each exhibit in reaching the decision reflected in this Order.

Findings of Fact

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on September 16, 2009, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of Respondent. Although notified of the hearing neither James L. Cave nor his counsel appeared. The Board was represented by Loretta Schouten. See pages 3-5 of the transcript of the hearing.
3. All Board members were present throughout the disciplinary hearing.

4. The Missouri Board of Pharmacy is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Respondent is licensed by the Board, License No. 43867, which license was current and active at the time of the incidents which form the basis of the charge. However, Cave allowed his license to expire on October 31, 2008. See page 3 of the transcript of the hearing and page 2 of the Decision of the Administrative Hearing Commission.

6. The Decision has certain findings of fact that the Board incorporates by reference into this Order and forms the basis of the conclusion in that Decision that cause exists to discipline Mr. Cave's pharmacist license. The Administrative Hearing Commission stated at page one of its Decision that "Neither Cave nor anyone representing him appeared" at the hearing before it.

Conclusions of Law

7. The Board has jurisdiction over this proceeding in that the Administrative Hearing Commission has determined that the Board has cause to discipline the license of the Respondent. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

8. Respondent's license to practice as a pharmacist, number 43867, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2 (8), RSMo.

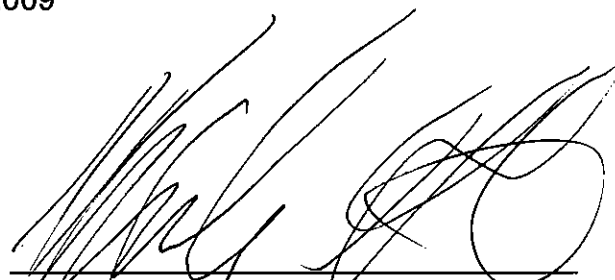
Disciplinary Order

THEREFORE, having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacist license issued to James L. Cave, numbered 43867 is REVOKED. Mr. Cave may not apply for reinstatement of his license for five (5) years after the date of this Order, as provided in Section 338.067 RSMo. Respondent shall immediately return all indicia of licensure, i.e., the original wall-hanging certificate, the computer generated 5" x 7" license, and the wallet card, to the Board office.

This document shall be maintained by the Board of Pharmacy as an open and public record of the Board as provided in Chapters 338, 610, 324, RSMo. .

ENTERED THIS 6th DAY OF OCTOBER, 2009

(BOARD SEAL)



KIMBERLY A. GRINSTON
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY